

YEAS—Senators Davenport, Ellis, Erath, Joseph, Ledbetter, Morris, Moore, Trolinger and Wood—9.

NAYS—Senators Allison, Ball, Baker, Burton, Camp, Dillard, Dwyer, Friend, Hobby, Parker, Russell, Stirman and Westfall—13.

Senator Ellis moved a call of the Senate. Call sustained.

Absent—Senators Bradshaw, Culberson, Ireland, Randle and Shepard.

The sergeant-at-arms was instructed to bring in the absent Senators.

On motion of Senator Davenport, the call was suspended.

On motion of Senator Friend, the rules were suspended and Senate bill No. 253, "An Act to repeal an act to change the line between Burnet and Lampasas counties," approved June 2, 1873, was taken up. Bill read second time and ordered engrossed.

Senator Friend offered the following amendment :

"Add to the end of the caption the following words, and to define the boundaries between said counties." Adopted.

The bill as amended was then read third time and passed.

A message was received from the House announcing that the House adheres to its amendments to Senate substitute for House bill No. 6, "An Act to provide for payment of teachers of public free schools," and that they ask a committee of conference of the two houses on the said disagreement ; and that the House appointed as said committee, Representatives Kemble, Harrison, Stuart, of Falls, and German, as said committee on the part of the House.

On motion of Senator Dwyer, the rules were suspended to take up House bill No. 316, "An Act to legalize the acts of certain officers." Bill taken up, read second time and passed to third reading.

On motion of Senator Dwyer, the rules were further suspended, bill read third time and passed.

On motion of Senator Ball, the Senate stood adjourned.

SEVENTY-FOURTH DAY.

SENATE CHAMBER, }
Austin, April 11, 1874. }

Senate met pursuant to adjournment. Roll called ; quorum present.

Prayer by the Rev. Mr. Hillyer.

On motion of Senator Ball, the Sergeant-at-Arms was excused for the day.

Senator Culberson, chairman of the Committee on Internal Improvements, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

The Committee on Internal Improvements, to whom was referred Senate bill No. 370, "An act to incorporate the Rusk Transportation Company," have considered the same and I am instructed to return the bill and recommend its passage, with the following amendments :

CULBERSON, Chairman.

Amendments—Sec. 7. That upon the completion by said company of a first-class train railway, as provided for under the preceding sections of this act, said company shall be entitled to have and receive a donation of eight sections of land containing six hundred and forty acres each, for each and every mile of said road, to be taken in alternate sections anywhere out of the public domain not otherwise appropriated; and it is hereby made the duty of the Commissioner of the General Land Office to issue certificates for said land to the president of said company, as soon as said road is completed and inspected, and when said certificates shall have been located, patents shall issue as in other cases.

Sec. 8. Said company shall have said lands surveyed and the field notes returned to the General Land Office, at their own expense, and shall be required to alienate one-fourth of the same every five years.

Sec. 9. That this act take effect and be in force from and after its passage.

Senator Allison, chairman of the Committee on Stock and Stock raising, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Stock and Stock raising, to whom was referred House bill No. 489, "An act to extend the provisions of House bill No. 16, entitled 'An act to encourage stock raising, and for the protection of stock raisers,'" to the counties of Liberty, Orange, Chambers and Jefferson, having considered the same, instruct me to report the bill back and recommend its passage.

ALLISON, Chairman.

Senator Swift, chairman of the Committee on Claims and Accounts, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Claims and Accounts, to whom was referred the petition of A. H. Cook, for balance claimed by him as being due on contract for printing and furnishing Sayle's Treatise for the use of the State," beg leave to report that they have carefully examined said claim, and find that a previous Legislature had compromised the matter with him, by allowing him twenty-five hundred dollars, which he afterwards accepted, by complying with said terms of legislative enactment. Owing to constitutional restrictions, we are prohibited from reconsidering a claim that has been once settled by the State.

SWIFT, Chairman.

Senator Shepard, for Committee on Engrossed Bills, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

SIR—Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 116, entitled "An Act concerning private corporations," and find that the same is correctly engrossed.

SHEPARD, for Committee.

(Senator Ball in the chair.)

Senator Ireland introduced a bill, entitled "An Act to amend the eighth section of 'An Act regulating taxation,'" approved June 3, 1873. Read first time, and ordered to be laid on the table.

Senator Culberson presented a petition from citizens of Marion county, asking a reduction in certain occupation tax. Read first time and referred to Committee on Finance.

(The President resumed the chair.)

Senator Morris presented the petition of the several justices of the peace of Wood county court. Referred to Finance Committee.

Senator Russell introduced a bill to incorporate "the Lorado Ferry Company. Read first time, and referred to the Committee on Roads, Bridges and Ferries.

Senator Friend presented the petition of sundry citizens of Nueces county, asking a change in the western boun-

dary line of said county. Referred to Committee on Counties and County Boundaries.

The unfinished business was then taken up, viz: The report of the Conference Committee on Senate bill No. 160, "To re-apportion the State into congressional districts. On motion of Senator Dillard, it was ordered to lie on the table.

On motion of Senator Westfall, a committee of free conference, consisting of Senators Wood, Camp and Ireland, was appointed on House bill No. 6, "To pay teachers of public free schools."

Senator Shepard introduced a bill to amend "An Act regulating elections," approved March 31, 1874. Read first time.

On motion of Senator Culberson, the rule was suspended, and House bill No. 408, "relating to sheriff's bonds," with a report of the Judiciary Committee recommending its passage, was taken up, and read second time, and passed to third reading; rules suspended; read third time and passed.

The Senate then repaired to the Hall of Representatives to meet the House in joint session, to proceed with the trial of Judge S. B. Newcomb.

IN JOINT SESSION.

Governor Jones resumed his argument.

At the close of his remarks, Maj. W. M. Walton, of Travis county, then addressed the joint session, in behalf of the State.

At the close of his remarks, the Senators retired to the Senate Chamber.

IN SENATE.

Senator Dwyer moved that the Senate now proceed to vote on the causes set forth in the address against Judge S. B. Newcomb, of the Twenty-fifth Judicial District. Carried.

Senator Ireland moved that the Senate adopt the report of the Investigating Committee that investigated this case. Adopted.

Senator Burton asked to be excused from voting on the address, stating that he was unprepared to vote on the said address.

The Senate excused him.

The President announced the question to be: "Are the cause or causes set forth in the address against Hon. S. B. Newcomb, Judge of the Twenty-fifth Judicial District, sufficient to vote his removal from said office?"

The Senate voted the said address by the following vote:

YEAS—Senators Allison, Ball, Baker, Bradshaw, Camp, Culberson, Davenport, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Joseph, Ledbetter, Morris, Moore, Parker, Russell, Shepard, Stirman, Swift, Trolinger, Westfall and Wood—26.

NAYS—None.

A message was received from the House announcing the passage of Senate bill No. 361, "An Act authorizing the Governor to postpone special elections for Senators and Representatives, in certain cases," with an amendment by the House; also the passage of House bill No. 174, "An Act to provide for the sale of the alternate sections of land as surveyed by railroad companies, and set apart for the benefit of the common school fund;" also the passage of Senate bill No. 307, "An Act to amend sections two and three of an act entitled 'An act to define the Tenth Judicial District of the State of Texas.'"

On motion of Senator Dillard, the rules were suspended, and Senate bill No. 361 "An Act authorizing the Governor to postpone special elections for Senators and Representatives in certain cases," together with the amendments of the House was taken up.

On motion of Senator Dillard, the House amendment was concurred in.

On motion of Senator Shepard, the rules were suspended to take up House bill No. 179, "An Act to create the county of Lee." Bill taken up, read first time.

Senator Wood moved to amend by striking out the thirteenth section. Senator Shepard moved to lay the motion on the table. Lost.

The question then recurring on the adoption of the amendment, it was lost.

On motion of Senator Swift, the rules were suspended, bill read second time, and passed to third reading. Rules further suspended, bill read third time, and passed by the following vote:

YEAS—Senators Ball, Baker, Bradshaw, Camp, Culberson, Dillard, Dwyer, Ellis, Friend, Hobby, Joseph, Led-

better, Morris, Moore, Parker, Russell, Shepard, Stirman, Swift and Trolinger—20.

NAYS—Senators Allison, Burton, Davenport, Erath, Westfall and Wood—6.

A message was received from the House, announcing that the House had adopted the report of the Conference Committee on Senate bill No. 160, "An Act to reapportion the State of Texas into Congressional Districts."

Senator Joseph, for Committee on Engrossed Bills, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Engrossed Bills have examined Senate bill No. 377, and find the same correctly engrossed.

JOSEPH, for Committee.

Senator Parker moved that the resolution heretofore offered by him, in regard to evening sessions, be taken up, said resolution being as follows :

Resolved, That the Senate will hold evening sessions, commencing at 3 o'clock, P. M., on Monday next, and from day to day.

The resolution was taken up, and the Senate refused to adopt the same.

On motion of Senator Swift, the Senate adjourned.

SEVENTY-FIFTH DAY.

SENATE CHAMBER, }
Austin, April 13, 1874. }

Senate met pursuant to adjournment. Roll called ; quorum present.

Prayer by the chaplain.

On motion of Senator Ireland, the reading of the journal of Saturday was dispensed with.

Senator Dillard presented the petition of citizens of the parishes of Caddo and DeSoto, Louisiana, asking that those two parishes be annexed to Texas. Read and referred to the same special committee that was heretofore appointed on the same subject matter.

Report from the Committee on State Affairs :